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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PJH

CV 08

1517

KIMBERLY BEAGLE,

Case No.:

Plaintiff,

EMPLOYMENT DISCRIMINATION  
COMPLAINT

vs.

RITE AID CORPORATION, a corporation;  
and DOES 1-100, inclusive,

Defendants.

1. SEXUAL HARASSMENT
2. DISABILITY HARASSMENT
3. SEX DISCRIMINATION
4. FAILURE TO PREVENT  
DISCRIMINATION & HARASSMENT
5. RETALIATION (FEHA)
6. WRONGFUL TERMINATION
7. RETALIATION (§ 1102.5)
8. ASSAULT
9. BATTERY
10. SEXUAL ASSAULT & BATTERY
11. INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS
12. INVASION OF PRIVACY

JURY TRIAL DEMANDED

Plaintiff, KIMBERLY BEAGLE, brings this action against RITE AID CORPORATION, and Does 1-100 for general, compensatory, punitive, and statutory damages, costs and attorneys' fees, resulting from defendant's unlawful and tortuous conduct, as ground therefore alleges:

**PARTIES**

1. Plaintiff, KIMBERLY BEAGLE (hereinafter "BEAGLE") is an individual and was at all times relevant herein a resident of Humboldt County, California. BEAGLE is

1 currently a resident of Riverside County, California. At all times relevant hereto, BEAGLE was  
2 employed in Humboldt County, California, a female, and an "employee" as defined by California  
3 Government Code Section 12926.

4 2. BEAGLE is informed and believes and thereon alleges that Defendant, RITE AID  
5 CORPORATION (hereinafter "RITE AID") is incorporated in the State of Delaware, maintains  
6 its principle place of business in the State of Pennsylvania at 30 Hunter Lane, Camp Hill,  
7 Pennsylvania 17011, is one of the nation's leading drugstore chains, operating more than 5,000  
8 stores in 31 states, including the State of California, and the District of Columbia, and is the  
9 largest drug store chain on the East Coast and the third largest drug store chain in the United  
10 States. BEAGLE is informed and believes and thereon alleges that RITE AID is an "employer"  
11 as defined by Government Code Sections 12926(d), 12940(a), and 12940(j)(4)(A). RITE AID  
12 and Does 1-100 are referred to collectively as "Defendants."

13 3. This action is of a civil nature involving, exclusive of interest and costs, a sum in  
14 excess of \$75,000. Every issue of law and fact in this action is wholly between citizens of  
15 different states and/or a citizen of a foreign state.

16 4. The acts and omissions of Defendants alleged herein, except as otherwise noted,  
17 occurred in Humboldt County, California.

18 5. BEAGLE is not aware of the true names and capacities of the Defendants sued  
19 herein as Does 1 through 100, inclusive, whether individual, corporate, associate, or otherwise,  
20 and therefore sues such Defendants by such fictitious names. BEAGLE will amend this  
21 Complaint to allege their true names and capacities when ascertained. BEAGLE is informed and  
22 believes, and on that basis alleges, that each of the fictitiously named Defendants is responsible  
23 in some manner for the occurrences herein alleged and that BEAGLE'S injuries and damages  
24 herein alleged were legally caused by such Defendants. Unless otherwise indicated, each  
25 Defendant was acting within the course and scope of said agency and/or employment, with the  
26 knowledge and/or consent of said Co-Defendant.

1           6.     BEAGLE is informed and believes and thereupon alleges that at all times  
2 mentioned herein, each of the Defendants, including each Doe Defendant, was acting as the  
3 agent, servant, employee, partner and/or joint venturer of and was acting in concert with each of  
4 the remaining Defendants, including each Doe Defendant, in doing the things herein alleged,  
5 while at all times acting within the course and scope of such agency, service, employment  
6 partnership, joint venture and/or concert of action. Each Defendant, in doing the acts alleged  
7 herein, was acting both individually and within the course and scope of such agency and/or  
8 employment, with the knowledge and/or consent of the remaining Defendants.

9                               **VENUE AND JURISDICTION**

10           7.     Venue is proper in this court, because the acts and omissions of Defendants  
11 alleged herein, except as otherwise noted, occurred in Humboldt County, California . Jurisdiction  
12 is proper pursuant to 28 U.S.C. Section 1332

13                               **GENERAL ALLEGATIONS**

14           8.     BEAGLE, a female in her early forties (40's), began working for RITE AID on or  
15 about August 1998 as a Sales Clerk/Cashier at the RITE AID drug store located at 725 South  
16 Fortuna Blvd. in Fortuna, California. At the time of her termination, BEAGLE earned \$11.35  
17 per hour.

18           9.     BEAGLE is informed and believes and thereon alleges Chris Young became a  
19 RITE AID employee at the Fortuna, California store on or about 2000. Chris Young was  
20 promoted to Shift Supervisor on or about April 17, 2005. Chris Young was a "supervisor"  
21 within the meaning of California Government Code Section 12926(r), is the alleged harasser  
22 herein, and exercised substantial discretionary authority over significant aspects of RITE AID'S  
23 business before being fired by RITE AID on or about August 2005.

24           10.    Within the first year that Chris Young began his employment with RITE AID,  
25 BEAGLE was subjected to Chris Young's lewd and derogatory sexual behavior and comments.  
26 BEAGLE also witnessed Chris Young checking out the attractive women, particularly those with  
27 large breasts or scantily clothed, that entered the store. While looking at the women, Chris  
28

1 Young would widen his eyes and stare and in no way attempted to hide his sexual attraction and  
2 excitement for such women. Chris Young later also remarked about having fantasies about  
3 particular women that entered the store. Such conduct continued by Chris Young throughout  
4 BEAGLE'S employment at RITE AID. Chris Young also discussed his sexual history, or lack  
5 thereof with BEAGLE, often flexing his bicep and referring it to his "jack off muscle." While  
6 flexing his self-declared "jack-off muscle" Chris Young told BEAGLE "I never get laid, this is  
7 my jack off muscle" or words to that effect.

8 11. On one occasion, on or about April 2005, Chris Young took a piece of wood that  
9 had come off a wood pallet and stuck it between his legs near his intimate area. While thrusting  
10 the piece of wood towards BEAGLE, who was walking in the hallway towards her locker, Chris  
11 Young stated, in a sexually derogatory manner, "Hey Kim, do you want some of my wood," or  
12 words to that effect.

13 12. During her employ with RITE AID, BEAGLE complained to the Assistant  
14 Manager, Leslie Pogh about Chris Young's behavior, including a complaint approximately six  
15 months before Chris Young was promoted. BEAGLE also complained to Leslie Pogh about  
16 Chris Young's behavior the same day that Chris Young thrust the wood pallet piece towards her  
17 body. BEAGLE did not direct her complaints to the store manager, Leon Comerer, because she  
18 feared that he would react angrily or retaliate against her, and it was the common practice in the  
19 store to direct such complaints or concerns to Leslie Pogh.

20 12. Despite her complaints to Leslie Pogh, to the best of BEAGLE'S knowledge,  
21 RITE AID did nothing to investigate BEAGLE'S claim, remedy the harassment, prevent further  
22 harassment or retaliation, or discourage or discipline Chris Young for his actions. Rather, RITE  
23 AID promoted Chris Young to a Shift Supervisor, and Chris Young's lewd and derogatory  
24 behavior and comments continued, and escalated as set forth below on July 6, 2005.

25 13. On or about July 6, 2005, towards the end of her shift, BEAGLE was working in  
26 the photo department of the RITE AID store in Fortuna, California. At that time, Chris Young  
27 was also overseeing the photo department and noticed a young woman enter the store. Chris  
28



1 Young then commented to Beagle that the young woman was "hot", that he had seen her and  
2 friend come into the store before and that he had been having lesbian fantasies about them. The  
3 young woman then proceeded to the photo department where BEAGLE assisted her. After the  
4 transaction was complete, BEAGLE accidentally dropped her pen on the floor. While BEAGLE  
5 was bent over picking up her pen, Chris Young positioned himself next to her and as BEAGLE  
6 was returning to a standing position, Chris Young pushed BEAGLE'S head back down in  
7 between his legs and into his intimate area. While pushing her head, Chris Young stated, "I like  
8 you better down there," or words to that effect. BEAGLE was instantly offended by Chris  
9 Young's actions and told Chris Young that he could not behave like that. BEAGLE then clocked  
10 out to go home, as it was the end of her shift.

11 14. On or about July 8, 2005, BEAGLE returned to work for the first time after the  
12 incident and immediately reported the July 6, 2005 incident concerning Chris Young to the Store  
13 Manager, Leon Comerer. Despite her report, Leon Comerer did not take her complaint seriously.  
14 Leon Comerer displayed his lack of concern by rolling his eyes and laughing as she told the  
15 story. Before leaving Leon Comerer's office, BEAGLE told Leon Comerer that he needed to do  
16 something about Chris Young. Leon Comerer, stated that he was leaving that day to go on  
17 vacation and told BEAGLE, "You girls just gotta get to work." After Leon Comerer left for his  
18 vacation at approximately 11:45 a.m., Chris Young reported to work at approximately 12:00 p.m.  
19 After Chris Young's arrival, it soon became obvious to BEAGLE that no one at RITE AID had  
20 addressed Chris Young about her complaint. Feeling uncomfortable working with Chris Young  
21 and feeling a lack of support from RITE AID, BEAGLE informed Chris Young, the sole  
22 supervisor on duty, that she could not work that day and she went home. The next day,  
23 BEAGLE went to the doctor after being told by RITE AID supervisor, Cinda Hussey that despite  
24 her complaint against Chris Young that RITE AID did not appear to be addressing, that she  
25 needed a doctor's note in order to be excused from work. At the emergency room in Eureka,  
26 BEAGLE was evaluated, diagnosed with neck strain and social strain, and was given a note to be  
27 excused from work.  
28

1           15.     On or about July 9, 2005 while BEAGLE was undergoing treatment at the  
2 emergency room, Chris Young's behavior as set forth above was reported to the Fortuna Police  
3 Department.

4           16.     After reporting the sexual harassment, RITE AID failed to take appropriate action  
5 in sensitizing all concerned. RITE AID allowed rumors and hostility to develop in the Fortuna  
6 and Eureka stores against BEAGLE. The Store Manager, Leon Comerer told other employees  
7 and customers that he was terminated because of BEAGLE'S complaints of harassment. Store  
8 employees also gossiped about the complaints of harassment, and soon BEAGLE'S complaint  
9 was well known among her co-employees, as well as the residents of the small town of Fortuna.  
10 Employees also blamed BEAGLE for complaining of sexual harassment and the firing of Leon  
11 Comerer, as well as Chris Young. Because of the hostility, BEAGLE began to fear for own  
12 safety when leaving her home and was anxious that she might see Leon Comerer or other store  
13 employees. BEAGLE was terrified to return to work, as it was apparent that RITE AID had  
14 taken a "blame the victim" approach to her complaints and/or failed to prevent such an approach  
15 from developing among the employees and management.

16           17.     As a result of the harassment and retaliation, BEAGLE was diagnosed with post  
17 traumatic stress disorder, anxiety, depression, trouble sleeping, possible occasional panic attacks,  
18 avoidance and feelings of abandonment; was prescribed medication; and put on medical leave by  
19 her doctors. BEAGLE had her medical prescriptions filled at the RITE AID store in Fortuna.  
20 Although she believed the information concerning the medications would remain confidential,  
21 BEAGLE later learned that an employee in the pharmacy department told other non-pharmacy  
22 RITE AID employees the type of medication that BEAGLE was taking. When she discovered  
23 that the type of medication she was taking had become public knowledge among the employees  
24 at the RITE AID store in Fortuna, BEAGLE complained to RITE AID about the disclosure of  
25 this private information.

26           18.     BEAGLE returned to the RITE AID store in Fortuna, California on or about  
27 August 2005 to have her son drop off her doctor's notes to the supervisor on duty. BEAGLE  
28

1 remained in the car to avoid any social distress involved in returning to the store and being put  
2 into a position where she would have to confront Chris Young or other store employees. After  
3 receiving the doctor's note, Cinda Hussey, the supervisor on duty, came out of the store and  
4 confronted BEAGLE. Cinda Hussey accused BEAGLE of forging the doctor's signature and  
5 thereafter crumpled up the doctor's note and threw it in BEAGLE'S face.

6 19. Because of the continued harassment and retaliation against her BEAGLE did not  
7 return to work at the RITE AID store in Fortuna. Due to the hostile work environment at the  
8 RITE AID store in Fortuna, and acting upon the advice of her union representative, BEAGLE  
9 requested a transfer to the Eureka store. In response to her request to transfer, Human Resources  
10 Manager, Steve Shipman told BEAGLE over the telephone that such a transfer would likely be  
11 impossible because of seniority issues. BEAGLE never heard any other response to her request  
12 to transfer until over a year later while BEAGLE'S claims, as set forth herein, were pending with  
13 the California Department of Fair Employment and Housing (hereinafter "DFEH") and the  
14 DFEH was trying to arrange a settlement. DFEH was unable to arrange a settlement and  
15 thereafter closed their investigation of BEAGLE'S claims. RITE AID terminated BEAGLE on  
16 or about April 2007, or approximately five days after the DFEH closed their investigation of  
17 BEAGLE'S claims.

18 20. On June 9, 2006, BEAGLE filed a complaint of discrimination with the DFEH,  
19 naming each of the above-named Defendants as respondents and/or in the body of the charge.  
20 On February 7, 2007, BEAGLE filed an Amended complaint of discrimination, naming each of  
21 the above-named Defendants as respondents and/or in the body of the charge with the DFEH.

22 21. On April 3, 2007, the DFEH issued BEAGLE a "Notice of Case Closure" that  
23 operates as a "Right To Sue Notice" against each of the above-named Defendants. BEAGLE  
24 filed this action within one year of the date of the "Right To Sue Notice" received from the  
25 DFEH, and has, therefore, properly exhausted her administrative remedies.

26 22. On February 6, 2008 and March 5, 2008, BEAGLE served each of the foregoing  
27 Defendants with a copy of the respective DFEH charges and respective "Notice of Case Closure"

1 via certified mail with return receipt requested. On June 22, 2006, the DFEH served a copy of  
2 BEAGLE'S complaint of discrimination on RITE AID via certified mail with return receipt  
3 requested. Since then, informal efforts to resolve this matter were unsuccessful and BEAGLE  
4 was left no choice but to file this lawsuit to obtain appropriate redress.

5 23. The list of misconduct by RITE AID, its employees and/or agents and others  
6 contained in the above allegations is a partial list only, and by way of example.

7 24. Since her termination from RITE AID, BEAGLE has suffered economic damages,  
8 including loss of wages, loss of benefits, medical expenses and other past and future economic  
9 damages. BEAGLE has suffered severe emotional distress and physical symptoms as a result of  
10 this prolonged harassment, retaliation and termination of employment, such as fear, anxiety, loss  
11 of sleep, weight loss, nightmares, depression, hopelessness, embarrassment, humiliation, loss of  
12 self-esteem, among other things. As a further result of the wrongful acts of Defendants, and each  
13 of them BEAGLE has been forced to hire attorneys to prosecute her claims herein, and has  
14 incurred and is expected to incur attorneys' fees and costs in connection therewith.

15  
16 **FIRST CAUSE OF ACTION**  
17 **VIOLATION OF GOVERNMENT CODE § 12940(j)**  
18 **(Sexual Harassment)**  
**Against RITE AID and DOES 1-10**

19 25. BEAGLE hereby realleges and incorporates by reference Paragraphs 1 through 24  
20 above as though fully set forth herein, except as said paragraphs are inconsistent with the  
21 allegations of this cause of action.

22 26. FEHA explicitly prohibits an employer or any other person from harassing an  
23 employee on the basis of sex pursuant to Government Code Section 12940(j). FEHA, under  
24 Government Code Section 12940 (j)(1), also provides that harassment by an employee, other  
25 than an agent or supervisor, shall be unlawful if the entity, or its agents or supervisors knows or  
26 should have known of the conduct and fails to take immediate and appropriate corrective action.



1           27. Defendant, RITE AID at all times material hereto was BEAGLE'S employer  
2 pursuant to Government Code Section 12940(j)(4) and was therefore barred from harassing its  
3 employees on the basis of sex pursuant to Government Code Section 12940(j).

4           28. Defendants' sexual harassment as set forth above created an abusive working  
5 environment in violation of Government Code Section 12940(j). Defendants and each of them  
6 and/or their agents/employees sexually harassed plaintiff and/or failed to take immediate and  
7 appropriate corrective action. The harassment was sufficiently pervasive and severe as to alter  
8 the conditions of employment and to create a hostile or abusive work environment. In addition,  
9 Defendants, and each of them and/or their agents/employees engaged in quid pro quo  
10 harassment.

11           29. As a direct and legal result of Defendants' harassment and the resulting hostile  
12 work environment, BEAGLE has suffered great mental, physical, and nervous discomfort,  
13 annoyance, distress, anguish, worry, fear, anxiety, pain and suffering, has lost income and related  
14 benefits, past and future, and medical expenses.

15           30. The acts taken toward BEAGLE were carried out by and/or ratified by Defendants  
16 and/or managing agent employees of Defendants acting in a despicable, oppressive, fraudulent,  
17 malicious, deliberate, egregious, and inexcusable manner in order to injure or damage BEAGLE,  
18 thereby justifying an award to her of punitive damages in a sum appropriate to punish and make  
19 an example of Defendants, and each of them.

20           31. Wherefore, BEAGLE has been damaged as set forth below and requests relief as  
21 hereafter provided.

22  
23                   **SECOND CAUSE OF ACTION**  
24                   **VIOLATION OF GOVERNMENT CODE § 12940(j)**  
25                   **(Disability Harassment)**  
26                   **Against RITE AID and DOES 11-20**

27           32. BEAGLE hereby realleges and incorporates by reference Paragraphs 1 through 31  
28 above as though fully set forth herein, except as said paragraphs are inconsistent with the  
allegations of this cause of action.

1           33. FEHA explicitly prohibits any employer or any other person from harassing an  
2 employee on the basis of a physical or mental disability pursuant to Government Code Section  
3 12940(j). FEHA, under Government Code Section 12940 (j)(1), also provides that harassment  
4 by an employee, other than an agent or supervisor, shall be unlawful if the entity, or its agents or  
5 supervisors knows or should have known of the conduct and fails to take immediate and  
6 appropriate corrective action.

7           34. Defendant, RITE AID at all times material hereto was BEAGLE'S employer  
8 pursuant to Government Code Section 12940(j)(4) and was therefore barred from harassing its  
9 employees on the basis of a physical or mental disability pursuant to Government Code Section  
10 12940(j).

11           35. At all times during her employment with RITE AID, BEAGLE suffered from a  
12 physical and/or mental disability that limited her ability to participate in major life activities,  
13 including without limitation, working.

14           36. Defendants' disability harassment as set forth above created an abusive working  
15 environment in violation of Government Code Section 12940(j). Defendants and each of them  
16 and/or their agents/employees harassed plaintiff and/or failed to take immediate and appropriate  
17 corrective action. The harassment was sufficiently pervasive and severe as to alter the conditions  
18 of employment and to create a hostile or abusive work environment.

19           37. As a direct and legal result of Defendants' harassment and the resulting hostile  
20 work environment, BEAGLE has suffered great mental, physical, and nervous discomfort,  
21 annoyance, distress, anguish, fear, worry, anxiety, pain and suffering, has lost income and related  
22 benefits, past and future, and medical expenses.

23           38. The acts taken toward BEAGLE were carried out by and/or ratified by Defendants  
24 and/or managing agent employees of Defendants acting in a despicable, oppressive, fraudulent,  
25 malicious, deliberate, egregious, and inexcusable manner in order to injure or damage BEAGLE,  
26 thereby justifying an award to her of punitive damages in a sum appropriate to punish and make  
27 an example of Defendants, and each of them.

39. Wherefore, BEAGLE has been damaged as set forth below and requests relief as hereafter provided.

**THIRD CAUSE OF ACTION**  
**VIOLATION OF GOVERNMENT CODE § 12940(a)**  
**(Sex Discrimination)**  
**Against RITE AID and DOES 21-30**

40. BEAGLE hereby realleges and incorporates by reference Paragraphs 1 through 39 above as though fully set forth herein, except as said paragraphs are inconsistent with the allegations of this cause of action.

41. FEHA explicitly prohibits any employer from discharging a person from employment or to discriminate against such person in compensation or in terms, conditions or privileges of employment on the basis of sex pursuant to Government Code Section 12940(a).

42. Defendant, RITE AID at all times material hereto was BEAGLE'S employer pursuant to Government Code Section 12926(d) and was therefore barred from discriminating in its employment decisions on the basis of sex pursuant to Government Code Section 12940(a).

43. At all times herein mentioned, BEAGLE was qualified for the position of a sales clerk/cashier at RITE AID.

44. Nonetheless, as set forth above, RITE AID terminated BEAGLE based upon her sex in violation of Government Code Section 12940(a).

45. As a direct and legal result of Defendants' discriminatory actions against her, BEAGLE has suffered great mental, physical, and nervous discomfort, annoyance, distress, anguish, fear, worry, anxiety, pain and suffering, has lost income and related benefits, past and future, and medical expenses. .

46. The acts taken toward BEAGLE were carried out by and/or ratified by Defendants and/or managing agent employees of Defendants acting in a despicable, oppressive, fraudulent, malicious, deliberate, egregious, and inexcusable manner in order to injure or damage BEAGLE, thereby justifying an award to her of punitive damages in a sum appropriate to punish and make an example of Defendants, and each of them.

1           47.     Wherefore, BEAGLE has been damaged as set forth below and requests relief as  
2 hereafter provided.

3  
4                           **FOURTH CAUSE OF ACTION**  
5                           **VIOLATION OF GOVERNMENT CODE § 12940(k)**  
6                           **(Failure to Prevent Discrimination and Harassment)**  
7                           **Against RITE AID and DOES 31-40**

8           48.     BEAGLE hereby realleges and incorporates by reference Paragraphs 1 through 47  
9 above as though fully set forth herein, except as said paragraphs are inconsistent with the  
10 allegations of this cause of action.

11           49.     FEHA, under Government Code Section 12940(k), requires an employer to “take  
12 all reasonable steps necessary to prevent discrimination and harassment from occurring.”

13           50.     Defendant, RITE AID at all times material hereto was BEAGLE’S employer  
14 pursuant to Government Code Section 12926(d), and was therefore required to prevent  
15 discrimination and harassment as set forth in Government Code Section 12940(k).

16           51.     RITE AID knew or should have known of the hostile work environment created  
17 by Chris Young and DOES 31-40s’, harassment and discrimination. Among other things,  
18 BEAGLE reported Chris Young’s harassing and discriminatory conduct to Assistant Manager,  
19 Leslie Pogh and Store Manager, Leon Comerer, but was ignored, as set forth above.

20           52.     Nonetheless, RITE AID did nothing to rectify said discrimination and harassment,  
21 and failed to take all reasonable steps to prevent harassment from occurring in violation of  
22 Government Code Section 12940(j)(1) and (k). RITE AID failed to affirmatively raise the  
23 subject of harassment, failed to express strong disapproval, failed to develop appropriate  
24 sanctions, and failed to inform employees how to raise and pursue their legal rights to be free  
25 from sexual harassment, and/or failed to sensitize all concerned. Instead, RITE AID allowed a  
26 hostile environment to develop against BEAGLE and then terminated BEAGLE.

27           53.     As a direct and legal result of Defendants’ discriminatory and harassing actions  
28 against her, BEAGLE has suffered great mental, physical, and nervous discomfort, annoyance,



1 distress, anguish, fear, worry, anxiety, pain and suffering, and lost income and related benefits,  
2 past and future, and medical expenses.

3 54. The acts taken toward BEAGLE were carried out by and/or ratified by Defendants  
4 and/or managing agent employees of Defendants acting in a despicable, oppressive, fraudulent,  
5 malicious, deliberate, egregious, and inexcusable manner in order to injure or damage BEAGLE,  
6 thereby justifying an award to her of punitive damages in a sum appropriate to punish and make  
7 an example of Defendants, and each of them.

8 55. Wherefore, BEAGLE has been damaged as set forth below and requests relief as  
9 hereafter provided.

10  
11 **FIFTH CAUSE OF ACTION**  
12 **VIOLATION OF GOVERNMENT CODE SECTION 12940(h)**  
13 **(Retaliation For Opposing Discrimination And Harassment)**  
14 **Against RITE AID and DOES 41-50**

15 56. BEAGLE hereby realleges and incorporates by reference Paragraphs 1 through 55  
16 above as though fully set forth herein, except as said paragraphs are inconsistent with the  
17 allegations of this cause of action.

18 57. FEHA explicitly prohibits an employer or person from discharging, expelling, or  
19 otherwise discriminating against any person because the person has opposed any practices  
20 forbidden under FEHA or because the person has filed a complaint, testified or assisted in any  
21 proceeding under FEHA pursuant to Government Code Section 12940(h).

22 58. Defendant, RITE AID at all times material hereto was BEAGLE'S employer  
23 pursuant to Government Code Section 12926(d) and was therefore barred from retaliating against  
24 its employees pursuant to Government Code Section 12940(h).

25 59. At all relevant times herein and in violation of Government Code Section  
26 12940(h), Defendants and each of them, and/or their agents/employees, as set forth above  
27 retaliated against BEAGLE by adversely affecting BEAGLE'S employment after she  
28 complained about and/or opposed harassment and discrimination on the basis of sex. As a result

1 of said opposition, BEAGLE suffered the adverse employment actions as described above,  
2 including termination. There is a causal link between BEAGLE'S protected opposition to  
3 harassment and discrimination and the adverse employment action in that, inter alia, the  
4 retaliation commenced and/or intensified shortly after each act of opposition or complaint.

5 60. As a direct and legal result of Defendants' retaliation, BEAGLE has suffered  
6 great mental, physical, and nervous discomfort, annoyance, distress, anguish, fear, worry,  
7 anxiety, pain and suffering, has lost income and related benefits, past and future, and medical  
8 expenses.

9 61. The acts taken toward BEAGLE were carried out by and/or ratified by Defendants  
10 and/or managing agent employees of Defendants acting in a despicable, oppressive, fraudulent,  
11 malicious, deliberate, egregious, and inexcusable manner in order to injure or damage BEAGLE,  
12 thereby justifying an award to her of punitive damages in a sum appropriate to punish and make  
13 an example of Defendants, and each of them.

14 62. Wherefore, BEAGLE has been damaged as set forth below and requests relief as  
15 hereafter provided.

16  
17 **SIXTH CAUSE OF ACTION**  
18 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**  
19 **Against RITE AID and DOES 51-60**

20 63. BEAGLE hereby realleges and incorporates by reference Paragraphs 1 through 62  
21 above as though fully set forth herein, except as said paragraphs are inconsistent with the  
22 allegations of this cause of action.

23 64. Government Code Section 12940 and Article 1, Section 8 of the California  
24 Constitution (see Eleventh Cause of Action) each embody a fundamental, substantial, and well-  
25 established public policy of the State of California prohibiting any employer from discharging a  
26 person from employment or from a training program leading to employment or to discriminate  
27 against the person in compensation or in terms, conditions or privileges of employment on the  
28 basis of sex.

1           65. As set forth above, Defendants violated the above fundamental public policy by  
2 discriminating against, harassing, and terminating BEAGLE on the basis of sex and/or a physical  
3 or mental disability.

4           66. As a direct and proximate result of Defendants' discriminatory actions against  
5 her, BEAGLE has suffered great mental, physical, and nervous discomfort, annoyance, distress,  
6 anguish, fear, worry, anxiety, pain and suffering, has lost income and related benefits, past and  
7 future, and medical expenses.

8           67. The acts taken toward BEAGLE were carried out by and/or ratified by Defendants  
9 and/or managing agent employees of Defendants acting in a despicable, oppressive, fraudulent,  
10 malicious, deliberate, egregious, and inexcusable manner in order to injure or damage BEAGLE,  
11 thereby justifying an award to her of punitive damages in a sum appropriate to punish and make  
12 an example of Defendants, and each of them.

13           68. Wherefore, BEAGLE has been damaged as set forth below and requests relief as  
14 hereafter provided.

15  
16                               **SEVENTH CAUSE OF ACTION**  
17                               **RETALIATION IN VIOLATION OF LABOR CODE SECTION 1102.5**  
                                  **Against RITE AID DOES 61-70**

18           69. BEAGLE hereby realleges and incorporates by reference Paragraphs 1 through 68  
19 above as though fully set forth herein, except as said paragraphs are inconsistent with the  
20 allegations of this cause of action.

21           70. Labor Code Section 1102.5 explicitly prohibits an employer from retaliating  
22 against an employee for disclosing information to a government or law enforcement agency  
23 where the employee has reasonable cause to believe that the information discloses a violation of  
24 a state or federal statute, or a violation or noncompliance with a state or federal rule or  
25 regulation.

26           71. Defendant, RITE AID at all times material hereto was BEAGLE'S employer.  
27 Defendant, RITE AID and/or its agents/employees, as set forth above retaliated against  
28 BEAGLE by adversely affecting BEAGLE'S employment after she complained about and/or

1 opposed harassment and discrimination on the basis of sex, race and/or disability to the Stockton  
2 Police Department and/or the DFEH. As a result of said report, BEAGLE suffered the adverse  
3 employment action as described above, including termination. There is a causal link between  
4 BEAGLE'S protected opposition to harassment and discrimination and the adverse employment  
5 actions in that, inter alia, the retaliation commenced shortly after her report to the Stockton  
6 Police Department and/or the DFEH.

7 72. As a direct and legal result of Defendants' retaliation, BEAGLE has suffered  
8 great mental, physical, and nervous discomfort, annoyance, distress, anguish, fear, worry,  
9 anxiety, pain and suffering, has lost income and related benefits, past and future, and medical  
10 expenses.

11 73. The acts taken toward BEAGLE were carried out by and/or ratified by Defendants  
12 and/or managing agent employees of Defendants acting in a despicable, oppressive, fraudulent,  
13 malicious, deliberate, egregious, and inexcusable manner in order to injure or damage BEAGLE,  
14 thereby justifying an award to her of punitive damages in a sum appropriate to punish and make  
15 an example of Defendants, and each of them.

16 74. Wherefore, BEAGLE has been damaged as set forth below and requests relief as  
17 hereafter provided.

18  
19 **EIGHTH CAUSE OF ACTION**  
20 **ASSAULT**  
21 **Against RITE AID and DOES 71-80**

22 75. BEAGLE hereby realleges and incorporates by reference Paragraphs 1 through 74  
23 above as though fully set forth herein, except as said paragraphs are inconsistent with the  
24 allegations of this cause of action.

25 76. The conduct of Defendants and their agents/employees caused BEAGLE to be  
26 apprehensive that Defendants would subject her to imminent batteries and/or intentional  
27 invasions of her right to be free from offensive and harmful contact, and said conduct  
28 demonstrated that Defendants had a present ability to subject BEAGLE to an immediate,  
intentional, offensive and harmful touching.



1           77.     The remaining Defendants and Does 71-80 ratified the above conduct by  
2     condoning such acts and conduct and failing to take any appropriate action.

3           78.     As a direct and legal result of Defendants' aforementioned conduct, BEAGLE has  
4     suffered great mental, physical, and nervous discomfort, annoyance, distress, anguish, fear,  
5     worry, anxiety, pain and suffering, has lost income and related benefits, past and future, and  
6     medical expenses.

7           79.     The acts taken toward BEAGLE were carried out by and/or ratified by Defendants  
8     and/or managing agent employees of Defendants acting in a despicable, oppressive, fraudulent,  
9     malicious, deliberate, egregious, and inexcusable manner in order to injure or damage BEAGLE,  
10    thereby justifying an award to her of punitive damages in a sum appropriate to punish and make  
11    an example of Defendants, and each of them.

12          80.     Wherefore, BEAGLE has been damaged as set forth below and requests relief as  
13    hereafter provided.

14  
15                   **NINTH CAUSE OF ACTION**  
16                   **BATTERY**  
17                   **Against RITE AID and DOES 81-90**

18          81.     BEAGLE hereby realleges and incorporates by reference Paragraphs 1 through 80  
19    above as though fully set forth herein, except as said paragraphs are inconsistent with the  
20    allegations of this cause of action.

21          82.     The conduct of Defendants and their agents/employees as described above,  
22    constituted an unconsented and intentional invasion of BEAGLE'S right to be free from  
23    offensive and harmful physical contact.

24          83.     The remaining Defendants and Does 81-90 ratified the above conduct by  
25    condoning such acts and conduct and failing to take any appropriate action.

26          84.     As a direct and legal result of Defendants' aforementioned conduct, BEAGLE has  
27    suffered great mental, physical, and nervous discomfort, annoyance, distress, anguish, fear,  
28    worry, anxiety, pain and suffering, has lost income and related benefits, past and future, and  
29    medical expenses.

1           85.     The acts taken toward BEAGLE were carried out by and/or ratified by Defendants  
2 and/or managing agent employees of Defendants acting in a despicable, oppressive, fraudulent,  
3 malicious, deliberate, egregious, and inexcusable manner in order to injure or damage BEAGLE,  
4 thereby justifying an award to her of punitive damages in a sum appropriate to punish and make  
5 an example of Defendants, and each of them.

6           86.     Wherefore, BEAGLE has been damaged as set forth below and requests relief as  
7 hereafter provided.

8  
9                           **TENTH CAUSE OF ACTION**  
10                          **SEXUAL ASSAULT & BATTERY**  
                          **Against RITE AID and DOES 91-100**

11           87.     BEAGLE hereby realleges and incorporates by reference Paragraphs 1 through 86  
12 above as though fully set forth herein, except as said paragraphs are inconsistent with the  
13 allegations of this cause of action.

14           88.     Civil Code Section 1708.5(a) provides that a person commits a sexual battery if  
15 one does any of the following “(1) Acts with the intent to cause a harmful or offensive contact  
16 with an intimate part of another, and a sexually offensive contact with that person directly or  
17 indirectly results. (2) Acts with the intent to cause a harmful or offensive contact with another  
18 by use of his or her intimate part, and a sexually offensive contact with that person directly or  
19 indirectly results. (3) Acts to cause an imminent apprehension of the conduct described in  
20 paragraph (1) or (2), and a sexually offensive contact with that person directly or indirectly  
21 results.”

22           89.     Chris Young’s conduct, as set forth above constituted sexual battery in violation  
23 of Civil Code Section 1708.5(a). On or about July 6, 2005, Chris Young caused harmful and  
24 offensive contact with BEAGLE by shoving her head down in between his legs and in front his  
25 intimate area all of the while stating, “I like you better down there,” or words to that effect.

26           90.     As a direct and legal result of Defendants’ aforementioned conduct, BEAGLE has  
27 suffered great mental, physical, and nervous discomfort, annoyance, distress, anguish, fear,  
28

1 worry, anxiety, pain and suffering, wage loss, has lost income and related benefits, past and  
2 future, and medical expenses.

3 91. The acts taken toward BEAGLE were carried out by and/or ratified by Defendants  
4 and/or managing agent employees of Defendants acting in a despicable, oppressive, fraudulent,  
5 malicious, deliberate, egregious, and inexcusable manner in order to injure or damage BEAGLE,  
6 thereby justifying an award to her of punitive damages in a sum appropriate to punish and make  
7 an example of Defendants, and each of them.

8 92. Wherefore, BEAGLE has been damaged as set forth below and requests relief as  
9 hereafter provided.

10  
11 **ELEVENTH**  
12 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
**Against RITE AID and DOES 1-10**

13 93. BEAGLE hereby realleges and incorporates by reference Paragraphs 1 through 92  
14 above as though fully set forth herein, except as said paragraphs are inconsistent with the  
15 allegations of this cause of action.

16 94. The conduct of Defendants, and each of them, as alleged above, was outrageous  
17 and outside the normal scope of the employment relationship. Defendants, and each of them,  
18 knew that their conduct would result in BEAGLE'S severe emotional distress, and said conduct  
19 was perpetrated by Defendants, and each of them, with the intent to inflict, or with reckless  
20 disregard of the probability of inflicting, humiliation, mental anguish, and severe emotional  
21 distress upon BEAGLE. Such conduct did, in fact, result in severe emotional distress caused to  
22 the BEAGLE.

23 95. As a direct and legal result of Defendants' aforementioned conduct, BEAGLE has  
24 suffered great mental, physical, and nervous discomfort, annoyance, distress, anguish, fear,  
25 worry, anxiety, pain and suffering, wage loss, has lost income and related benefits, past and  
26 future, and medical expenses.

1           96.     The acts taken toward BEAGLE were carried out by and/or ratified by Defendants  
2 and/or managing agent employees of Defendants acting in a despicable, oppressive, fraudulent,  
3 malicious, deliberate, egregious, and inexcusable manner in order to injure or damage BEAGLE,  
4 thereby justifying an award to her of punitive damages in a sum appropriate to punish and make  
5 an example of Defendants, and each of them.

6           97.     Wherefore, BEAGLE has been damaged as set forth below and requests relief as  
7 hereafter provided.

8  
9                               **TWELFTH**  
10                              **INVASION OF PRIVACY**  
                              **Against RITE AID and DOES 11-20**

11           98.     BEAGLE hereby realleges and incorporates by reference Paragraphs 1 through 97  
12 above as though fully set forth herein, except as said paragraphs are inconsistent with the  
13 allegations of this cause of action.

14           99.     Article I, Section 1 of the California Constitution guarantees every California  
15 citizen the right to privacy. Article I, Section 1 is applicable to private parties, including  
16 individual and corporate defendants, as alleged herein. Further, California recognizes a common  
17 law tort of invasion of privacy prohibiting, inter alia, intrusion upon seclusion, public disclosure  
18 of private facts, and publication of statements placing an individual in a false light.

19           100.    Plaintiff has a legally protected right of seclusion and privacy, as recognized by  
20 California common law and Article I, Section 1 of the California Constitution. Defendant, RITE  
21 AID intruded upon BEAGLE'S privacy when an employee in the pharmacy department  
22 disclosed to other RITE AID employees the names of the medications that BEAGLE was taking  
23 while she was on medical leave for the symptoms she was experiencing from the acts of  
24 harassment and retaliation as alleged herein above. Plaintiff had a reasonable expectation of  
25 privacy in that California and federal law, and Defendant, RITE AID'S own written policies  
26 prohibited the conduct as alleged herein above. Defendant, RITE AID'S intrusions were highly  
27  
28



1 offensive to a reasonable person, and were highly offensive to Plaintiff. Defendant, RITE AID'S  
2 conduct constitutes an invasion of privacy.

3 101. Defendant, RITE AID is liable for its employee's acts under the principle of  
4 respondeat superior insofar as Defendant, RITE AID ratified its employees conduct by, inter alia,  
5 failing to discipline its employees or otherwise punish his or her actions or deter future conduct  
6 by him or her and by retaliating against BEAGLE for opposing the employee's conduct, as  
7 described herein above.

8 102. The above alleged intrusions on BEAGLE'S expectation of privacy is unjustified  
9 because, among other things, it does not substantially further any compelling, legitimate interest  
10 of Defendants and was, in fact, used to punish and retaliate against BEAGLE for her opposition  
11 to harassment and her participation in Defendant, RITE AID'S legally mandated "investigation."

12 103. As a proximate result of the wrongful acts of Defendants, and each of them,  
13 BEAGLE has suffered and continues to suffer great mental, physical, and nervous discomfort,  
14 annoyance, distress, anguish, fear, worry, anxiety, pain and suffering, wage loss, has lost income  
15 and related benefits, past and future, and medical expenses.

16 104. The acts taken toward BEAGLE were carried out by and/or ratified by Defendants  
17 and/or managing agent employees of Defendants acting in a despicable, oppressive, fraudulent,  
18 malicious, deliberate, egregious, and inexcusable manner in order to injure or damage BEAGLE,  
19 thereby justifying an award to her of punitive damages in a sum appropriate to punish and make  
20 an example of Defendants, and each of them.

21 105. Wherefore, BEAGLE has been damaged as set forth below and requests relief as  
22 hereafter provided.

23 **DEMAND FOR JURY TRIAL**

24 98. Plaintiff hereby demands a jury trial.

25 ///

26 ///

27 ///

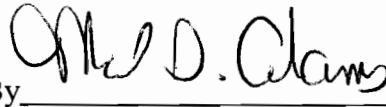
**PRAYER FOR RELIEF**

WHEREFORE, BEAGLE prays judgment against Defendants as follows:

1. For compensatory and general damages, including lost wages and related benefits, and medical expenses in an amount according to proof, but in excess of the minimum jurisdictional limit of this Court;
2. For punitive and/or exemplary damages;
3. For statutory attorneys' fees and costs, including those available under Government Code Section 12965(b);
4. For prejudgment and post-judgment interest according to any applicable provision of law or as otherwise permitted by law, according to proof;
5. For costs of suit;
6. For such other and further relief as the court deems proper.

**DATED:** March 7, 2008

**MAYALL, HURLEY, KNUTSEN, SMITH & GREEN**

By 

MARK S. ADAMS

JS 44 (Rev. 12/07) (and rev 1-16-08)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

## I. (a) PLAINTIFFS

KIMBERLY BEAGLE

## DEFENDANTS

RITE AID CORPORATION, a corporation; and DOES 1-100, inclusive

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

MARK S. ADAMS/DAVID D. CHENG  
MAYALL, HURLEY, KNUSTEN, SMITH & GREEN  
2453 GRAND CANAL BLVD.  
STOCKTON, CA 95207 (209) 477-3833

County of Residence of First Listed Defendant Cumberland County  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                            |   |                            |                                       |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
		<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Section 1332

Brief description of cause:

EMPLOYMENT DISCRIMINATION

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

## IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)

☒ SAN FRANCISCO/OAKLAND

☐ SAN JOSE

DATE

MARCH 17, 2008

SIGNATURE OF ATTORNEY OF RECORD

*Mark S. Adams*

Court Name: U.S. District Court, NDCA  
Division: 3  
Receipt Number: 34611017164  
Cashier ID: almaceh  
Transaction Date: 03/19/2008  
Payer Name: mayall hurley knutsen smith

CIVIL FILING FEE

For: k beagle  
Case/Party: D-CAN-3-08-CV-001517-001  
Amount: \$350.00

CHECK

Check/Money Order Num: 23867  
Amt Tendered: \$350.00

Total Due: \$350.00  
Total Tendered: \$350.00  
Change Amt: \$0.00

pjh

Checks and drafts are accepted  
subject to collections and full  
credit will only be given when the  
check or draft has been accepted by  
the financial institution on which  
it was drawn.